

# **EXHIBIT C**

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11 UNITED PARCEL SERVICE, INC.

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 HEROES CLUB, INC.,  
17 Plaintiff,  
18 v.  
19 UNITED PARCEL SERVICE, INC. and DOES  
20 1-50,  
21 Defendants.

22 Case No.

23 **DECLARATION OF DONALD W.  
24 VAN BUREN, SR. IN SUPPORT  
25 OF NOTICE OF REMOVAL**

26 I, Donald W. Van Buren, Sr., hereby declare as follows:

27 1) I am employed by defendant United Parcel Service, Inc. ("UPS"), and have been a  
28 UPS employee for 23 years. I have served 15 years in technology functions at UPS, and currently  
serve as the Business Information Analysis - New Jersey Functional Technical User  
Representative. I manage a department of twenty engineers who build and support corporate  
database repositories that are maintained in the regular course of UPS's business. These database  
repositories regularly and automatically capture select data from UPS's operational, billing, and  
legacy systems, including data on UPS account holders and the UPS services for which they are  
billed. Updated account and billing data is added to the database repositories on a weekly basis.  
Except where otherwise indicated, I have personal knowledge of the matters set forth in this  
declaration and if called to testify, I could and would testify competently to them.

1           2)     In August 2007, my Department prepared and executed queries to determine the  
2 following data:

3           • which UPS account holders are California business entities;  
4           • from August 2003 to the present, the number of times (packages) for which UPS  
5           billed the California business entities to obtain a signature upon delivery; and  
6           • the incremental amounts that UPS billed such California business entities for the  
7           signature-gathering services on such packages.

8           3)     We were able to isolate the UPS accounts of California business entities. In the  
9 database repositories that store data about UPS account holders in the regular course of UPS's  
10 business, UPS maintains data fields that indicate whether an account is a business/professional  
11 account, or a personal/household account. Our analysis of this data found 319,725 unique  
12 account numbers held by business entities with a California address.

13          4)     We next queried the database repositories that store billing information in the  
14 regular course of UPS's business — to determine (1) the number of instances in which each such  
15 California business account was billed for an "accessorial service" that required UPS to obtain a  
16 signature upon delivery of a package; and (2) the amount that the account was billed for such  
17 accessorial services. The billing for such accessorial services is stored distinctly from the  
18 underlying transportation charge of a package shipment.

19          5)     Based on these UPS business records, we determined that, during the period of  
20 August 2003 to present:

21           • UPS account holders that were business entities in California tendered 29,358,523  
22           packages to UPS for which they requested that UPS obtain a signature upon delivery;  
23           and  
24           • UPS account holders that were business entities in California were billed \$42,278,585  
25           for UPS to obtain a signature upon delivery of their packages (above and beyond the  
26           transportation charge on such packages).

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1 I declare under penalty of perjury under the laws of the State of California and the United  
2 States that the foregoing is true and correct.

3 Executed this 27<sup>th</sup> day of August, 2007 at Morristown, New Jersey.

4 Donald W Van Buren, Sr.  
5 Donald W. Van Buren, Sr.  
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